

Re: Property Lines on Fell Avenue
(Supplementary Item 57, Report No. 43, June 10, 1974)

On June 10, 1974, Council received correspondence from some residents on Fell Avenue requesting that their properties be resurveyed. A report from staff concurrently advised that "although the problem was not created by the Municipality, the Engineering, Legal and Planning Departments have been working on this rather complex situation for some time, and will shortly be in a position to present a proposal to the owners most affected, for their agreement".

Following is a further report from the Director of Planning on this matter.

This is for the information of Council.

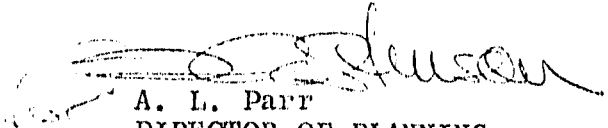
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PLANNING DEPARTMENT
JULY 19, 1974

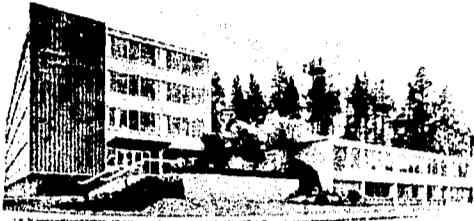
TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
RE: SURVEY DISCREPANCIES - NORTH AND SOUTH FELL AVENUE

The following progress report is submitted for Council's information. On July 10, 1974 the Planning Department sent letters to owners involved with the above noted subject outlining the position of the Municipality in the problem (see sample letter attached). You will note that in the case of owners north of Dundas Street, the Corporation will be involved in the ceding and receiving of the three foot strip being shifted to the north. In the case of owners south of Fell, no further Corporation assistance will be required since co-operation within the block is the most viable solution. With the issuance of the captioned letters and advice, the Corporation will now await further direction from the residents when a compromise is reached. Copies of the sketch plan were sent to the residents with the letters, however, due to the size of these plans, we have not attached copies of them to this report. Copies are available at the Planning Department on request.

Respectfully submitted,


A. L. Parr
DIRECTOR OF PLANNING

HR:cr
Attchmt.



ITEM 44
MANAGER'S REPORT NO. 51
COUNCIL MEETING July 22/74

THE CORPORATION OF THE DISTRICT OF BURNABY

MUNICIPAL HALL
4949 CANADA WAY,
BURNABY 2, B.C.
V5G 1M2
TELEPHONE 299-7211

SAMPLE LETTER

SOUTH FELL AVENUE

I am writing to you in response to a petition from a number of persons requesting that the Municipality resurvey property lines on Fell Avenue to rectify a survey problem. As you are aware, certain of the dwellings in your unit block encroach on adjacent properties. This situation is the result of a lack of co-ordination between early surveys and house locations.

The Planning Department, in concert with other Municipal Departments, has investigated this matter and has concluded that the only viable course of action is to resubdivide the affected properties. To this end the Municipal Surveyor has prepared a plan (copy attached) which locates the dwellings in your block in relation to the existing lot lines.

Inasmuch as not all of the dwellings encroach on adjacent parcels, each property owner must arrange with his neighbours to resubdivide in a manner which is mutually acceptable.

The most difficult part of this process would be the conveyancing involved because all registered charges such as mortgages must be transferred. You would, therefore, be required to engage the services of a Land Surveyor to prepare the necessary survey plans, and a Solicitor to handle the conveyancing. It would be to your advantage to do so co-operatively with your neighbours.

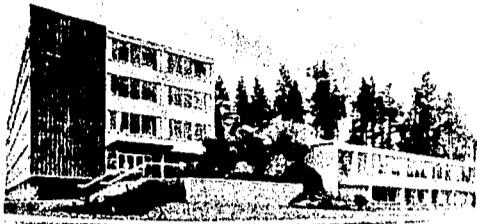
I trust this adequately explains our position with respect to this difficult problem.

Yours truly,

A. L. Parr
DIRECTOR OF PLANNING

PB:cr
Attchmt.

cc: Municipal Manager
Engineer
Legal



ITEM 44
MANAGER'S REPORT NO. 51
COUNCIL MEETING July 22/74

THE CORPORATION OF THE DISTRICT OF BURNABY

MUNICIPAL HALL
4949 CANADA WAY,
BURNABY 2, B.C.
V5G 1M2
TELEPHONE 299-7211

SAMPLE LETTER

NORTH FELL AVENUE

I am writing to you in response to a petition from a number of persons requesting that the Municipality resurvey property lines on Fell Avenue to rectify a survey problem. As you are aware, certain of the dwellings in your unit block encroach on the adjacent properties. This situation is the result of a lack of co-ordination between early surveys and house locations.

The Planning Department, in concert with other Municipal Departments, has investigated this matter and has concluded that the only viable course of action is to resubdivide the affected properties. Unless the whole series of lots is redefined, problems will continue to occur each time a single lot is reposted.

To this end, the Municipal Surveyor has prepared a plan (copy attached) locating the dwellings in your block in relation to the existing lot lines. To resolve this problem we are prepared to recommend to the Municipal Council that Burnaby cede three feet from Lot 78, Plan 27152 and in return receive three feet to be added to the north side of Dundas Street. Each of Lots 1 to 6 thus would have its boundaries shifted northerly by three feet. This proposal is shown on the attached sketch.

The most difficult part of this process would be the conveyancing involved because all registered charges such as mortgages must be transferred. You would, therefore, be required to engage the services of a Land Surveyor to prepare the necessary survey plans, and a Solicitor to handle the conveyancing. It would be to your advantage to do so co-operatively with your neighbours.

Before we can recommend to Council that Burnaby cede the requisite three feet from Lot 78, we require that the owners of Lots 1 to 6 submit their written consent to the subdivision and to their retention of a Surveyor and a Solicitor.

Would you, therefore, kindly advise this department in writing if you wish to pursue this course of action.

Yours truly,

A. L. Parr
DIRECTOR OF PLANNING

PB:cr
Attchmt.

cc: Municipal Manager
Engineer
Legal

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